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TAGS: PREL PGOV KPKO UNSC UN IZ
SUBJECT: CHAPTER VII DOMINATES AMBASSADOR RICE'S MEETINGS
WITH GOI LEADERS

Classified By: Classified by Deputy Chief of Mission Robert Ford for Reasons 1.4 (b) and (d).

¶11. (C) SUMMARY: Prime Minister Maliki and FM Zebari seized upon Ambassador Rice's visit to express their dissatisfaction with the UN Secretary-General (UNSG)'s decision to appoint a political official to gather information on foreign support for the perpetrators of the August 19 bombings. While Maliki expressed his clear preference for a more robust, investigative process capable of assigning blame to Syria, Ambassador Rice explained that the UNSG does not have the authority to establish a formal investigation without a UNSC resolution. Maliki ultimately said that he would accept a UN official (ASYG Oscar-Fernandez Taranco) that came to Iraq to receive their information on the bombings and that did not seek to visit other Iraqi neighbors. On the issue of lifting Chapter VII sanctions against Iraq, the Prime Minister and FM Zebari expressed their preference to deal with the resolutions concerning weapons of mass destruction (WMD) and those related to Kuwait as two distinct baskets in hopes of resolving at least WMD basket more quickly. President Talabani briefed Ambassador Rice on the status of negotiations around the election law and she urged all her Iraqi interlocutors to move an election law forward quickly.
End Summary.

CHAPTER VII - TWO BASKETS

¶12. (C) Prime Minister Nuri al-Maliki welcomed Ambassador Susan Rice to Iraq on October 23. Having returned the previous day from Washington, Maliki cited the Bilateral Investment Conference as testimony to the strong relationship between the United States and Iraq, a relationship he sees as institutional and transcending leadership changes in the USG. The Prime Minister lamented, however, that Iraq's neighbors view this partnership as threatening to their own influence and wish to see the United States leave Iraq defeated. Now less dependent on U.S. military might and economic assistance, Maliki said Iraq needed strategic assistance from the United States to put Iraq on a level playing field with its powerful neighbors. In particular, Maliki repeated his request that the United States "not let us down" with regards to exiting Chapter VII and helping stem malign intervention from neighbors.

¶13. (C) Ambassador Rice assured the Prime Minister that the United States would assist in lifting Chapter VII sanctions, provided Iraq gave the U.S. the wherewithal to help us deliver the UNSC. To effectively address the issue, Rice sought clarity as to whether Iraq would prefer that the Chapter VII United Nations Security Council Resolutions (UNSCR) be addressed as a single package or as separate packages (for example, dealing with those concerning WMDs and those related to Kuwait as separate subjects). The Prime Minister urged that WMD resolutions be pursued separately from Kuwaiti issues as this would be a more expeditious way

to achieve progress.

OVERCOMING WMD SANCTIONS

¶ 14. (S) Ambassador Rice told the Prime Minister that the group of resolutions pertaining to WMD would likely be the easiest for Iraq to overcome. She stated that the United States could help persuade the UNSC to move quickly in overturning these resolutions, but only if Iraq submits a letter to the Council detailing the precise steps it will take to address the resolutions' requirements, including an intent to accede to non-proliferation agreements such as the Additional Protocol and the Missile Technology Control Regime. The Prime Minister stated that he could draft a letter immediately that stated Iraq no longer has weapons of mass destruction, but that he was not clear what specific steps were required of Iraq. Ambassador Rice countered that the letter must include Iraq's commitments to join key international conventions on non-proliferation. She underscored that Iraq would not need to complete all of the steps to join these conventions before Council action could be taken. She stated that the Embassy would provide the Prime Minister a copy of the technical document given to Iraqi Foreign Minister Hoshyar Zebari in New York (or an updated version of that document) outlining how Iraq could move forward on this issue. Further action on the resolutions depends on an expression to the UNSC of Iraq's clear intent to adopt these non-proliferation measures.

IRAQ: "BIG HOUSE WITH A SMALL DOOR"

¶ 15. (S) Turning to the issue of Kuwait, Ambassador Rice firmly conveyed that the United States, as well as Britain and France, would not be able to make progress pertaining to Kuwait until the GOI reaffirms its commitment to UNSCR 883 in its entirety. Maliki responded that his government wants a comprehensive agreement with Kuwait that settles all outstanding issues, but that such an agreement is not possible until an agreement is reached on the maritime boundary. Citing recent discussions with the Emir of Kuwait, the Prime Minister noted that he was hopeful that a solution could be found, but emphasized that any agreement must give Iraq appropriate access to the sea to avoid it becoming "a big house with a small door." Maliki told Rice that the GOI would have to discuss such issues with Kuwait further before it could go further on the Kuwait basket of Chapter VII resolutions in New York.

¶ 16. (S) Ambassador Rice and Prime Minister Maliki agreed on the benefits of establishing a bilateral U.S.-Iraq committee (a Joint Coordinating Committee under the Higher Coordination Committee, a mechanism formed pursuant to the U.S.-Iraq Strategic Framework Agreement) to explore ways forward on the WMD basket of resolutions. Ambassador Rice assessed that, if Iraq took the steps she outlined, the Security Council would likely support swift resolution of these matters. One potential roadblock she could foresee is possible opposition from Russia, as it continues to complain that Iraq has not settled a series of outstanding Russian contracts from the Oil-for-Food Program. Clearly unaware of this issue, Maliki agreed to look into the issue and told Rice to "leave Russia to us."

UN MUST "CONVICT" SYRIA

¶ 17. (S) After the Prime Minister mentioned Syria's possible involvement in the August 19 bombing, Ambassador Rice asked him what ultimate outcome the GOI was seeking by asking the UN to appoint an envoy to explore the issue. Maliki replied that he wanted Syria to halt the flow of foreign fighters and

weapons to Iraq. Thus, Maliki continued that he wanted a UN envoy to come to Iraq and examine the evidence the GOI has gathered -- partially from the United States -- which he views as sufficient to "convict" Syria, thereby allowing Syria to be officially held responsible for the attacks and envisioning some outcome along the lines of a "Hariri-like" tribunal. (Maliki also mentioned Syria's withdrawal from Lebanon, claiming that they left so quickly that they had to leave their weapons behind.)

¶ 8. (S) Rice explained that we share Maliki's goal, but she stressed but stressed that the UNSC or UN Secretariat are not the right means to achieving it. We should together examine other means. Maliki noted that he had told UNSYG Ban Ki Moon that he was unhappy with the choice of a "political person" from the Department of Political Affairs to do an investigation. He preferred instead a prominent legal expert. Maliki also questioned why the SYG is planning to send the official to neighboring countries and emphasized that the bulk of his time should be spent in Baghdad.

¶ 9. (S) Ambassador Rice explained that the SYG does not have the authority to independently launch an investigation to determine culpability involving multiple member states. Such a move would require Chapter VII action by the UNSC. Rather, he is limited to using his "good offices" to assess the situation. She indicated that the UNSYG could include a representative from his legal affairs office in this mission. Establishing an actual investigation under Chapter VII, such as the "Hariri-like" tribunal, would require a new resolution, which Ambassador Rice advised would be difficult to accomplish and counterproductive to Iraq's attempts to exit Chapter VII. Looking at the issue from a broader perspective, Ambassador Rice commented that even if the United Nations did find Syria at fault for the August 19 bombings, the organization has no practical means to prevent further meddling in Iraq's internal affairs. As an example, she cited the numerous UNSCRs that Syria violates "on a daily basis" in Lebanon.

¶ 10. (S) The Prime Minister responded that if the envoy is not able to conduct an investigation, the issue should simply be left to Iraq and Syria to resolve bilaterally. Rice replied that there was merit to the UNSYG's plan (proposed at Iraq's behest) to send a senior official and explained that the scope of the mission could be restricted to just visiting Iraq, although this was a departure from what the U.S. and the UN Secretariat had understood as the Iraqi position.

Maliki concluded by insisting that the proposed UN emissary visit Iraq only in a "good offices" capacity. Rice urged Maliki to have Iraq's Permanent Representative in Baghdad to convey this acceptance to the UN.

TOURING THE DAMAGED MFA

¶ 11. (C) Ambassador Rice met with Iraqi FM Zebari October 24 in an office newly renovated since the August 19 bombing of the foreign ministry. The discussion focused on Chapter VII and the proposed appointment by the UNSYG of UN senior official Oscar-Fernandez Taranco. Regarding Chapter VII, Ambassador Rice recounted the outlines of her October 23 conversation with PM Maliki, and indicated that Maliki expressed a preference for dealing with the Chapter VII efforts by subject matter, starting with the (non-Kuwait-related) WMD resolutions. She also reported that with regard to the Kuwait-related resolutions, the PM indicated that he wanted to move on all Kuwaiti issues as a package. For progress on those resolutions, the GOI would need to send a letter re-affirming UNSCR 833 in its entirety.

¶ 12. (C) Regarding the terms of the mandate of the UN emissary that Zebari was pressing to expand, Rice explained that Taranco was mounting a "good offices" mission, not a formal investigation. That could only be done under a

Chapter VII resolution. Rice again referenced her conversation with the PM, characterizing his "end game" -- stopping the flow of foreign fighters from Syria -- as a task beyond the scope of Taranco or any similar UNSC mission. Zebari urged Rice not to underestimate the power of the appointment, and claimed that the situation in Iraq had calmed noticeably since the GOI began demanding the appointment of the senior official. "We know the Syrians and their psychology. We were sure this would be effective," said Zebari. In answer to the FM's question, Ambassador Rice questioned the ultimate value of calling an open session at the UNSC to discuss the issue as, "it could be a food fight. She warned that the Syrians are well organized and supported in New York. She also cautioned that there was not likely to be sufficient support for the GOI to get a UNSC resolution passed or even a Presidential Statement. (USUN Comment: This may no longer be the case after the 10/25 bombings. End Comment.) In addition, there could be other Iraq matters coming up for consideration soon and they would need broad UNSC support for them. She pressed Zebari to consider carefully how the GOI wanted spend its finite diplomatic capital.

¶13. (U) Rice then proceeded outside with Zebari to view the damage to the Foreign Ministry building and grounds. On the way into the meeting, Zebari showed Rice a memorial display showing the faces of killed Iraqi diplomats. Rice, flanked by Zebari, expressed her condolences to Iraq before the press following the tour.

ELECTION LAW

¶14. (C) In her meetings with the Prime Minister and President Talabani, Ambassador Rice emphasized the need for Iraq to enact an election law quickly. The Prime Minister, for his part, agreed, but did not elaborate. President Talabani, by contrast, recounted the state of play as of October 23, highlighting the difficulties in gaining agreement among Iraq's diverse communities. He stressed that he was optimistic that the Iraqis would find a way forward. He also said that the United States could play a helpful role in forging consensus and compromise.

¶15. (U) Ambassador Rice has cleared this cable.

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